

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

Crl.MC.No. 1182 of 2007()

CMP.694/2007 of JUDL. MAGISTRATE OF FIRST CLASS COURT-III, TRIVANDRUM
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PETITIONER: FIRST ACCUSED

S.USHA KUMARI (HEAD NURSE),
T.B.HOSPITAL/SANITORIUM, PULAYANARKOTTA,
MEDICAL COLLEGE P.O., THIRUVANANTHAPURAM,
RESIDING AT USHA SARATH, PERUMPADA,
KAZHAKOOTTAM P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.M.BALAGOVINDAN
SRI.M.R.SASITH

RESPONDENTS: STATE & COMPLAINANT

1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.
2. L.SREEKUMARI,
NURSING ASSISTANT, MENTAL HOSPITAL,
OOLLAMPARA, THIRUVANANTHAPURAM, RESIDING AT
SATHI NIVAS, T.C. 16/1250, JAGATHI,
CHALA P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.GOPAKUMAR R.THALIYAL
PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 12/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. RAMKUMAR, J.
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Crl.M.C.No.1182 of 2008
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Dated this the 4th day of April, 2008

ORDER

In this petition filed under Section 482 Cr.P.C, the petitioner who is the 17th accused in Crime No.185/2007 of Pulpally Police Station and re-registered as Cr.No.172/CR/2007 of the CBCID, SIG, Kozhikode for offences punishable under Section 53A of the Kerala Abkari Act and Sections 3 and 8 of the Rectified Spirit Rules read with 120B, 465,468,471 and 472 IPC, seeks to quash Annexure A report dated 28.1.08 which was forwarded to the J.F.C.M-II, Sulthan Bethery on 8.2.08 arraying the petitioner as Accused No.17 along with one Sathish Bai as Accused No.16.

2. According to the petitioner, he has been falsely arrayed in the case to just to account for the unsatisfactory investigation thus far conducted by the local police as well as by the Crime Branch and which has been commented upon by this Court in Annexure P order dated 1.11.07 passed by this Court in B.A.No.6447/2007 and subsequent order dated 23.1.08 said to have been passed by this Court in the very same proceeding.

3. It is too early to consider the question as to whether the petitioner has been falsely implicated or not, having regard to the present stage of the investigation. The learned counsel for the petitioner submitted that the petitioner does not intend to run away from the Crime Branch Police and if they are desirous of interrogating the petitioner, the petitioner is willing to surrender before the Investigating Officer and reveal whatever information he has in the matter. In view of the preparedness of the petitioner to make himself available for interrogation, the petitioner is directed to surrender before the Investigating Officer namely Superintendent of Police, Crime Branch CID, Kozhikode at 10 a.m. on 10.04.08 for the purpose of interrogation. After completing the interrogation, the Investigating Officer shall produce the petitioner before the J.F.C.M-II, Sulthan Bethery, who shall consider and dispose of the application, if any, filed by the petitioner for regular bail preferably on the same date on which it is filed.

V. RAMKUMAR, JUDGE

sj